STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD BOARD MEETING

FINAL MINUTES

December 19 & 20, 2012

(KEY: MSC = MOTION: MADE, SECOND: CARRIED MSF = MOTION: MADE, SECOND: FAILED)

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:35 A.M. ON DECEMBER 19, 2012 IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), CHRIS KORELL, LOUISE STARK, AND ALEX IRBY WERE IN ATTENDANCE. BOARD MEMBER TOM LONG WAS EXCUSED. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, EDUCATION/ENFORCEMENT CHIEF RANDY WADLEY, BOARD ATTORNEYS ROGER HALES AND MIKE KANE.

Agenda - Director Howard gave a brief overview of the agenda. Director Howard explained that he was not feeling well, that he may not be able participate in the entire Board meeting and was only in attendance now as there were several matters he needed to report on.

Directors Report - Probation, Fine/Fee Setting Policy — Director Howard suggested that to best maximize the use of Mr. Kane's time would be for the matter of the draft Probation, Fine/Fee Setting Policy be discussed first. He provided the Board a draft policy and explained that its purpose was to ensure that a consistent standard might be applied where the Board or in more limited instances, the Executive Director's decisions call for probation and when the Board's decisions call for setting payment of fines or cost recovery including when and how those moneys are collected. Education and Enforcement Supervisor Wadley explained the work load associated with the background checks and how it has increased. He is asking the Board to review policy 4008-2012 and give the staff direction dealing with restrictive and non restrictive probationary licenses. The Board asked Director Howard to work with Mr. Wadley and the attorneys to clarify this policy and to bring back as a revision to a future meeting. Director Howard asked that following meeting the Board provide any suggestions they may have.

Status Update Negotiated Rule Making – Outfitted Turkey and Waterfowl Hunting - The Director explained that information from the Negotiated Rule Making as it progressed was being posted on the agency website including agency letters of explanation, along written communication being received. He said that several options of the rule had been drafted and offered publically as input was received. He explained those drafts had also been posted. The Board discussed that five public forums scheduled in Orofino, Idaho Falls, Burley, Nampa and Boise had been conducted and the transcripts were either posted or would be posted as soon they were received. The Board discussed gathering additional information, the possibility of combining some ideas into an option C draft rule for future consideration and other means of public input. Director Howard said that as this process moves forward it would be good to get additional input from other organizations with possible interest in this rule such as land owners, the Tourism community, Chambers of Commerce and local officials. A Board conference call was discussed as a possibility for mid February to early March in preparation for the regular April Board meeting. The Director suggested that Board review the information posted on the website to familiarize themselves with the details of what has transpired to date. The Board asked that the Director move forward as discussed.

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Idaho Recreation and Tourism Initiative (IRTI) & GIS Mapping Project - Director Howard explained that at a recent meeting, he learned that due to limited resources and competing priorities, the Idaho Department of Fish and Game's (IDFG) ability to further develop and improve the usability of the GIS Mapping system would be limited.

He explained that through this collaborative project funded as an Idaho Recreaton and Tourism Initiative Project (IRTI), IDFG has developed quality "digital" maps of nearly all outfitter licensed areas in Idaho. They are now available online on the Board's website, the IDFG's Hunt Planner, and they are also being integrated into Idaho's travel and tourism website which includes a variety of search capabilities to make it easier for recreationists looking for outfitter and guide services to find. Additionally, they are available to the land-managing agencies and to IOGLB to understand which areas are licensed to outfitters for various activities provided to the public throughout the state.

The Director reminded the Board that in Idaho, there currently are over 400 outfitters licensed by the IOGLB, of which many are also permitted by federal agencies. Together these outfitters hold roughly 3,000 operating areas that span a wide variety of public and private land jurisdictions. The majority of these areas are individually limited to the outfitter licensed to provide specific activities to the public. The data associated with each of these needs to be current and accurate in order for the current tool to be effective and for any tool enhancement to be useful. Idaho is primarily the only state who works with the federal agencies in limiting outfitters to this level of detail. The Director indicated this system is critical to IOGLB's efficiency and effectiveness as an agency in coordinating outfitter licensing/permitting with partnering federal agencies and with sister state agencies such as IDFG and the Division of Tourism.

Lori Thomason reminded the Board that at their November IRTI meeting, Bob Smith with IDM demonstrated the same Web based tool partly developed by that agency that enhances the outfitters GIS mapping capabilities as a management tool that he had demonstrated to the Board earlier. He explained that at that IRTI meeting, the types of data available that could enhance the current tool and some of the challenges involved in keeping this information current were discussed. He said that there was agreement that the further development of the tool would be beneficial and that it needs to be promoted and used extensively by partnering agencies. Consequently, there have been discussions with the Idaho Department of Administration (IDM) about the potential for development, enhancement, and expansion of the outfitter and guide GIS mapping tool to be done by that Agency or by RDI who is now IOGLB's data services contractor.

The Director explained that it was suggested at the IRTI meeting that webinars could be hosted to provide training for Agency administrators across the state, and that an enhanced tool would be especially useful to agency partners involved in managing and regulating outfitters (e.g., IOGLB, IDFG, BLM, USFS), to partners promoting tourism and involved in trip planning (e.g. U of I and Division of Tourism). It was requested that scenic byways and ski resorts be added to the tool, and that the photo database maintained by Tourism, the "media room" be part of any enhancements. He said that he will be coordinating a meeting with participating partners after the first of the year to further explore the best options available in further enhancing the maps and development of the tool as an IRTI project, with the expectation of bringing a proposal including additional funding to the Spring IRTI Steering Committee meeting. He said that if this was not possible IOGLB may not be able to maintain this overall mapping system by itself and it may need to be abandoned.

USFS/BLM MOU – The Director reported that the annual MOU meeting with USFS and BLM had been tentatively scheduled for February 5 and that he would provide information to the Board as the meeting came together. He said that he plans on discussing the GIS Mapping at that time along with several other matters related to licensing and outfitter area management.

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IDFG MOU - The Director discussed a draft copy of the updated MOU with changes proposed to IDFG that had been provided in the Board's packet. Director Howard would like the Board to review it and give him any thoughts they might have. He said that he had invited written comments from the IDFG but had received none. He said that he would coordinate a meeting with them after the first of the year.

Resource Data Inc. Update - Lori Thomason said that problems with the data system discovered by RDI were more substantial than earlier thought. The Director said that he has committed additional staff time and money to address some of these issues to improve the database functionality. He said that without a functioning data system, IOGLB licensing, tag allocation, use reports and etc. stops and without it functioning properly, accuracy is compromised.

Use Reports - The Director reported that the use reports forms largely created by Board Member Stark have been sent out with the renewal packet this year. He said that these use reports are going to be the foundation for the new use reporting system within the IOGLB data base and the online process once the data base is functioning the way it should be. He said that he felt they would learn from the industry's use of these new reports this year and that knowledge should be considered in the further development and implementation.

Outfitted Wolf Trapping Excursion Rule, Status Update – Director Howard explained that proposed outfitting wolf trapping rules will be consider during the 2013 legislative session and likely very early in the session.

Discussion IDAPA Rule 69 Liability Insurance – MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER, KORELL; NAYES: -- NONE) THE BOARD DIRECT AN EDUCATIONAL LETTER BE DISSEMINATED TO RENEWING OUTFITTERS INFORMING THEM OF FURTHER DETAILS AND RULE REQUIREMENTS DEALING WITH VEHICLE LIABILITY INSURANCE. IN ADDITION, THE BOARD WOULD SHOW LENIENCY IN THE ENFORCEMENT OF THIS VEHICLE LIABILITY FOR THE LICNESE RENEWALS FOR 2013.

IOGA - Executive Director, IOGA Grant Simonds was recognized and explained that the IOGA Lobby Day was February 13, 2013.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER; NAYES: - NONE) AT 11:35 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS DEALING WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY ROGER HALES; EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON WERE PRESENT. MSC (MOTION: KORELL SECOND, IRBY - AYES: HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 12:25 P.M. WITH NO DECISION MADE.

Teton River and South Fork River - The Board discussed the letter submitted by John Curney on behalf of Black Dog Outfitters dated August 7, 2012 and the responses the Board received from outfitters on the South Fork of the Snake River and the Teton River in response to Mr. Curney's letter. It was determined that the Board inadvertently failed to submit Mr. Curney's letter to Three Rivers Ranch for a response. The Board further discussed the fact that the Federal Government has still not completed its Capacity Study and its Resource Management Plan for the South Fork. The Board discussed the power versus float use of boats on the South Fork and Mr. Curney's reference to a draft power license guidance letter that had been approved conceptually but which was never formally adopted or implemented.

MSC (MOTION: IRBY, SECOND, STARK – AYES: HUNSUCKER AND KORELL: NAYES -- NONE) THAT THE BOARD DIRECTS STAFF TO FORWARD MR. CURNEY'S LETTER TO THREE RIVERS RANCH FOR A RESPONSE AND THAT THE BOARD CONSIDER ALL

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RESPONSES AND 2012 USE INFORMATION BEFORE IT TAKES A POSITION IN REGARDS TO MR. CURNEY'S ALLEGATIONS AS THEY RELATE TO THE TETON RIVER. THAT THE BOARD WAIT FOR AND CONSIDER FUTURE 2012 USE INFORMATION, THE RESULTS OF THE FEDERAL CAPACITY STUDY AND THE RESOURCE MANAGEMENT PLAN WHICH THEY UNDERSTOOD TO BE FORTHCOMING AND THE RULE MAKING THEY HAVE ANTICIPATED DOING ASSOCIATED WITH AND AS A RESULT OF THOSE FEDERAL PROCESSES BEFORE ITS TAKES A POSITION UPON MR. CURNEY'S ALLEGATIONS CONCERNING THE SOUTH FORK OF THE SNAKE RIVER. THAT THE BOARD'S ACTION AT THIS TIME IS FURTHER SUPPORTED BY THE BOARD'S TIME AND RESOURCES CURRENTLY BEING DEDICATED TO OTHER PRIORITIES.

MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER AND STARK: NAYES – NONE) THAT DIRECTOR SEND A LETTER TO THREE RIVERS RANCH CONCERNING USE.

Chairman Hunsucker recessed the meeting for lunch break at 12:.30 p.m. and reconvened at 1:50 p.m. All listed above were present.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER; NAYES: - NONE) AT 1:50 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS DEALING WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY ROGER HALES; EXECUTIVE DIRECTOR JAKE HOWARD; OFFICE SUPERVISOR LORI THOMASON WERE PRESENT. MSC (MOTION: STARK SECOND, IRBY - AYES: HUNSUCKER AND KORELL; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:25 P.M. WITH NO DECISION MADE.

Financial Report – Board member Stark asked about line items that shows no money spent but money is budgeted and what happens to the money if it is not spent. It was explained that the money can be moved within the budget but unspent money is put back into the Agency's dedicated fund where it would be available for future appropriation. Director Howard said that for each of the last five years, significant funds have been put back in to the IOGLB free fund to be appropriated by the Legislature. He said with costs associated with the Negotiated Rule Making for Outfitted Turkey and Waterfowl Hunting and due to issues with the data base system he felt that the amount returned would be tighter than in the past but should be a one year anomaly. He said he watches the budget very closely and takes a very conservative approach to fiscal management of the budget. MSC (MOTION: STARK, SECOND, KORELL – AYES: HUNSUCKER AND IRBY; NAYES: — NONE) TO ACCEPT THE FINANCIAL REPORTS FOR AUGUST, SEPTEMBER, OCTOBER AND NOVEMBER 2012.

Consent Agenda – The Board reviewed the Consent Agenda. Board Member Korell asked about the New Opportunities Report. Pineland Outfitters, Tangle Ridge Outfitters, Fall Outfitters and Cash Taylor areas need to be added to the report. MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER AND STARK: NAYES -- NONE) TO DIRECT THE EXECUTIVE DIRECTOR HOWARD TO WORK GET THE PROSPECTUSES ISSUED THIS SUMMER ON THE VACATED AREAS.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER; NAYES: -NONE) TO ACCEPT THE CONSENT AGENDA.

Log Books for South Fork and Clearwater Rivers - The Board asked the Director and Board Attorney to look into developing and establishing a guide/client log book process for the South Fork and Clearwater Rivers.

Office Supervisors Report - Teresa Sauceda - Office Supervisor Lori Thomason presented Teresa

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Sauceda with her 15 year award and thanked Teresa for her service.

River Of No Return Lodge – Director Howard reported that Kevin Yeates has not responded to Director Howard's letter regarding matters involving Mr. Yeates' River of No Return Lodge USFS permit as it pertained to his outfitters license which came into question during the March 2012 Operational Adjustment meeting conducted by the Board. The Director said that it was his intention to file a complaint to bring the overall matter back before the Board for a disciplinary hearing in April.

Wildlife Adventures/Bud Martin – Director Howard reported Mr. Martin submitted an email dated November 14, 2012 requesting the Board to terminate Wildlife Adventures participation in the Big Game Tag allocation program. MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER AND IRBY: NAYES -- NONE) TO ALLOW WILDLIFE ADVENTURES/BUD MARTIN TO RELINQUISH ITS LICENSE INTERESTS IN THE BIG GAME TAG ALLOCATION. WILDLIFE ADVENTURES/BUD MARTIN WILL NO LONGER BE ELIGIBLE TO PARTICIPATE IN THE BIG GAME TAG ALLOCATION PROGRAM.

MSC (MOTION: IRBY, SECOND, LONG – AYES: HUNSUCKER, KORELL AND STARK: NAYES -- NONE) TO CLARIFY IN THE ALLOCATION MANUAL THAT WHEN AN OUTFITTER RELINQUISHES HIS BIG GAME TAG ALLOCATION, HE WOULD NO LONGER BE ELIGIBLE TO PARTICIPATE IN THE BIG GAME TAG ALLOCATION PROGRAM BECAUSE BY RELINQUISHING BIG GAME TAG ALLOCATION, THE OUTFITTER WOULD BE RELINQUISHING ALL HISTORICAL USE. CONSEQUENTLY, SIMILAR TO AN OUTFITTER WHO LOSES ALLOCATION BY A RECALCULATION, AN INDIVIDUAL OUTFITTER RELINQUISHES HIS BIG GAME TAG ALLOCATION WOULD BE CONSIDERED THE SAME AS AN OUTFITTER WHO DOES NOT OR NEVER HAS HAD HISTORICAL USE. THOSE OUTFITTERS ARE ONLY ELIGIBLE TO OBTAIN ALLOCATED BIG GAME TAGS OUT OF THE POOL PROVIDED TAGS ARE AVAILABLE AND WHO TYPICALLY DO SO IN ORDER TO ESTABLISH FUTURE HISTORIC USE.

Clearwater, Nez Perce, Bitterroot National Forest Bear/Cougar/Wolf Overlap Policy Final Report — Ms. Thomason explained that the outfitters participating for the years 2013, 2014 and 2015 are Shattuck Creek Outfitters, Lake 'n' Leather Outfitters, Flying B Ranch, Meadow Creek Outfitters, Lochsa River Outfitters, Weitas Creek Outfitters, Bear Creek Outfitters, Selway Inn Inc., Hole in the Wall Outfitters and Coeur D' Alene Outfitters.

Fire Emergency Move Requests for the 2012 Season Final Report – There were nine outfitters that needed to move their outfitted activities due to the fires during the fire season. Several outfitters had to be moved more than once due to the fire expanding into the area they were originally moved to. Due to the procedures that were set in place the requests went smoothly.

Ownership and Corporations Changes — Office Supervisor Lori Thomason explained that the licensing staff is starting to see owners of corporations changing and there are no changes to the license. The office is requesting that the clarification to the changes be a minor amendment. There will still need to be contact information requested at the time of the minor amendment so IOGLB is able to correspond with the appropriate person in the event a Designated Agent leaves the outfitter's employment. The Director explained that he had asked Board Attorney Hales to review the outfitter business buy/sell Handbook and to provide him some recommendation for clarification. Mr. Hales said he would do so after the meeting.

Businesses sold in 2012 – Ms. Thomason supplied the Board a report of the majority sales in 2012 and the time frames it took for each process of the application to be completed. This was just an informational report to show how long it took each applicant to complete the buy sell process.

Director Howard asked to be excused and left the meeting.

Education and Enforcement Supervisor Report - Enforcement Overview - Education and Enforcement Supervisor Randy Wadley gave the enforcement report explaining the cases he has investigated for the 2012 year. He stated that there were 115 total investigations for 2012. Chief Wadley said he investigated and closed 93 of the 115 cases.

James Koch - Chief Wadley explained that Mr. James Koch had passed his outfitter exam, as ordered by the Board.

Bart Jarrett - Chief Wadley explained that Bart Jarrett had received a citation for \$400.00 and a \$50.00 special processing fee. MSC (MOTION: IRBY, SECOND, STARK – AYES: HUNSUCKER AND KORELL: NAYES -- NONE) TO ACCEPT THE STIPULATION PLUS THE SPECIAL PROCESSING FEE OF \$50.00. PAYMENT OF \$450.00 WAS ACCEPTED FROM BART JARRETT.

KOHLS OUTFITTERS – Chief Wadley updated that Board regarding matters heard by the Board involving Robin Kohls at their June 6-8, 2012 meeting where Mr. Kohls' had stipulated to the charges outlined in an IOGLB Enforcement compliant. A fine of \$2,096.75 was ordered to be paid on or before March 31, 2013. He reported that as of December 19, 2012 IOGLB has not received payment. Mr. Kohls was also ordered to write a proposed written contract between respondent and any potential clients which had been done. The Board encouraged Mr. Kohls to seek a resolution between Jerry Smith and Kohls Outfitters by September 1, 2012 which to date had not been done.

Chairman Hunsucker recessed the meeting at 4:15 p.m. to reconvene at 8:30 a.m. Thursday December 20, 2012. Chairman Hunsucker reconvened the meeting at 8:30 a.m. Thursday December 20, 2012 with all Board members and staff listed above present with the exception of Board Member Long who was excused.

Cash Taylor - Board Prosecutor Mike Kane presented the Board with a letter from Cash Taylor informing the Board that he has relinquished his outfitting business due to none use. MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER, IRBY: NAYES -- NONE) TO ACCEPT THE RELINQUISHMENT OF CASH TAYLOR OUTFITTER LICENSE NUMBER 10925 AND DESIGNATED AGENT LICENSE NUMBER 4983

MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER AND KORELL: NAYES – NONE) TO ADD CASH TAYLOR OUTFITTING'S VACATED AREA TO THE LIST OF VACATED AREAS IN WHICH THE BOARD WILL SEEK TO FILL WITH A PROSPECTUS.

Chuck Patterson from the BLM appeared and explained that the Caribou Targhee National Forest along with the BLM Pocatello Field Office would be the two agencies to work with on the prospectus dealing with Cash Taylor Outfitters.

Disciplinary Hearing – Kale K. Koompin, Falls Outfitting, Kale Koompin DA - MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER, KORELL AND STARK: NAYES - NONE) TO CONTINUE THE DISCIPLINARY HEARING UNTIL THE APRIL 2013 BOARD HEARING.

Richard Carl Pislitello, Guide License Hearing — A License Guide hearing was conducted before the Board by the Board's prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Pislitello's guide license application due to the criminal convictions he has received. Mr. Pislitello is seeking a guide license to work for Castaway Fly Shop. Mr. Pislitello testified and certain exhibits were introduced into evidence.MSC (MOTION: KORELL, SECOND, IRBY — AYES: STARK AND HUNSUCKER, NAYES: - NONE) TO) APPROVE THE GUIDE LICENSE FOR RICHARD CARL PISLITELLO WITH THE STANDARD 2 YEAR PROBATION TO END JANUARY 04, 2015.

James Spillet, Guide License Hearing – A License Guide hearing was conducted before the Board by the Board's prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Spillet's guide license application due to the criminal convictions he has received. Mr. Spillett is seeking a guide license to work for Deadline Outfitters. DA Hoby Gartner appeared before the Board on Mr. Spillett's behalf. Mr. Spillett testified and certain exhibits were introduced into evidence.MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER AND KORELL, NAYES: - NONE) TO ISSUE A ONE YEAR PROBATIONARY LICENSE FOR JAMES SPILLET.

Josh James, Guide License Hearing – Prosecutor Mike Kane explained that Mr. James was notified as well as Mike Branson, Wind River Outfitters was also notified. Neither the outfitter nor the applicant appeared before the Board. MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER AND IRBY, NAYES: - NONE) TO DENY JOSH JAMES' APPLICATION BASED UPON THE FACT THAT HE HAS NOT PROVIDED THE BOARD WITH THE REQUESTED INFORMATION OF HIS CRIMINAL CONVICTIONS AND HAS NOT OTHERWISE APPEARED AT THE TIME SET FOR THE HEARING ON HIS GUIDE APPLICATION DESPITE SERVICE OF THE NOTICE.

Outfitter License Amendment – Probationary Hearing – Jess Baugh Mountain River Outfitters – Mr. Baugh appeared before the Board to explain his application to amend his license. MSC (MOTION: STARK, SECOND, IRBY – AYES: KORELL AND HUNSUCKER NAYES: - NONE) TO ALLOW JESS BAUGH MOUNTAIN RIVER OUTFITTERS TO AMEND HIS OUTFITTER LICENSE TO PURCHASE AN SA6 FLOAT BUSINESS FROM DUSTIN AHERIN, IDAHO RIVER ADVENTURES.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER NAYES: - NONE) TO DIRECT COUNSEL TO PREPARE ORDERS ON THE MATTERS HEARD TODAY AS MAY BE NECESSARY AND ALLOW CHAIR TO SIGN ON BEHALF OF THE BOARD.

Next regular Board meeting is scheduled for April 3rd through the 5th, 2013.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 11:00 a.m., Thursday December 20, 2012.

WAYNE HUNSUCKER, CHAIRMAN

WARD, DIRECTOR

ATTEST:

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